

11/27/01

11/27/01 U.S. PTO

11-28-01

A

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	601-1-078 DIV
First Inventor	Alexey G. Ryazanov et al.
Title	Elongation Factor-2 Kinase (EF-2Kinase)
Express Mail Label No.	EL 790334600 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages **123**]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **8**]
5. Oath or Declaration [Total Pages **4**]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)of prior application No.: **08 / 914,999**

Prior application information:

Examiner **W. Moore**Group Art Unit: **1652**

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS☐ Customer Number or Bar Code Label**23565**
(Insert Customer No. or Attach bar code label here)or ☐ Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Christine E. Dietzel, Ph.D.

Registration No. (Attorney/Agent)

37,309

Signature

Date

11/27/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
UNDER 37 CFR 1.53(b)

Docket No.: 601-1-078 DIV	Anticipated Classification of this Application: Class _____ Subclass _____	Prior Application: Examiner: William W. Moore	Art Unit: 1652
------------------------------	--	---	-------------------

VIA EXPRESS MAIL NO.: EL 790334600 US
DATE OF DEPOSIT: November 27, 2001

Address to: U.S. PATENT AND TRADEMARK OFFICE
P.O. BOX 2327
ARLINGTON, VA 22202

ATTN: BOX PATENT APPLICATION

Sir:

This is a Request for Filing a ☐ Continuation ☒ Divisional Application under 37 CFR 1.53(b) of pending Application Serial No. 08/914,999, filed on August 20, 1997, of Alexey G. Ryazanov; William N. Hait; and Karen S. Pavur, for Elongation Factor-2 Kinase (EF-2 Kinase) and Methods of Use Therefor.

1. ☒ Enclosed is a copy of the prior application, including the oath or declaration as originally filed and an affidavit or declaration verifying it as a true copy.
2. ☐ Prepare a copy of the prior application.
3. a. ☐ This is an application of a small entity under 37 CFR 1.9(f), and the amounts shown below in parentheses apply. A copy of the verified statement(s) filed in the prior application is enclosed.

b. ☐ The Filing Fee is calculated below:

FOR:	NO. FILED	NO. EXTRA	RATE	BASIC FEE
BASIC FEE				\$
TOTAL CLAIMS	** - 20	**	X \$18 (\$9)	
INDEP. CLAIMS	* - 3	**	X \$84 (\$42)	
TOTAL FILING FEE				\$
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM(S) PRESENTED (IF APPLICABLE)			X \$260	
TOTAL OF ABOVE CALCULATIONS				\$
Reduction by 1/2 for filing by Small Entity (Note: 37 CFR 1.3, 1.27, 1.28). If applicable, verified statement must be attached.				***.00
			TOTAL	\$

4. ☒ The Commissioner is hereby authorized to charge any fees which may be required in addition to those calculated above, or credit any overpayment to Deposit Account No. 11-1153.

5. ☐ A check in the amount of \$_____ is enclosed.

6. ☒ Amend the specification by inserting before the first line the sentence:

AI
This Application is a ☐ Continuation ☒ Division of Application Serial No. 08/914,999, filed August 20, 1997, the disclosure of which is incorporated herein by reference in their entireties. Applicant claims the benefit of these Applications under 35 U.S.C., 119(e) and 120.

7. ☐ Cancel in this Application original claims _____ of the Prior Application before calculating the filing fee.

8. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the Filing Date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

9. ☒ New Formal Drawings are enclosed.

10. ☐ Priority of Application Serial No. _____, filed on _____ in _____ is claimed under 35 U.S.C. § 119.

11. ☐ The certified copy has been filed in prior application Serial No. _____, filed _____.

12. ☒ The prior application is assigned of record to University of Medicine and Dentistry recorded on May 11, 1998 Reel 9190 Frame 0469.

13. ☒ The power of attorney in the prior application is to:

Jack Matalon (Attorney, Registration No. 22,441); Stefan J. Klauber (Attorney, Registration No. 22,604); David A. Jackson (Attorney, Registration No. 26,742); Barbara L. Renda (Attorney, Registration No. 27,626); Paul F. Fehlner (Attorney, Registration No. 35,135); Michael D. Davis (Attorney, Registration No. 39,161); and Joseph M. Homa (Attorney, Registration No. 40,023)

a. ☐ The power appears in the original papers in the prior application.

b. ☒ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. ☒ Address all future communications to:
David A. Jackson, Esq.
KLAUBER & JACKSON
411 Hackensack Avenue
Hackensack, New Jersey 07601

14. ☐ A copy of the Information Disclosure Statement from prior application.

15. ☐ An original Information Disclosure Statement is enclosed.


16. [X] A Preliminary Amendment is enclosed.
17. [X] A Request for Transfer of Computer Readable Form. This is the first copy of the Computer Readable Form.
18. [X] Enclosed is a paper copy of the Sequence Listing which was submitted in the prior Application.
19. [X] I hereby verify that the attached papers are a true copy of prior application Serial No. 08/914,999 as originally filed on August 20, 1997.
20. [X] I hereby state that the content of the paper and computer readable copies of the Sequence Listing submitted in accordance with 37 CFR §1.821(c) and (e), respectively, are the same.
21. [X] A Filing Date as of the date of deposit in Express Mail is requested. The particulars of the Express Mail Deposit under 37 CFR §1.10(b) are presented below.

EXPRESS MAIL "MAILING LABEL NO." : EL 790334600 US

DATE OF DEPOSIT : 11/27/01

The undersigned declared further that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 11/27/01


CHRISTINE E. DIETZEL
Attorney for Applicant(s)
Registration No. 37,309

KLAUBER & JACKSON
411 Hackensack Avenue
Hackensack, New Jersey 07601
(201) 487-5800

BEST AVAILABLE COPY